

Docket No. HRT0256C2

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Applicants : H. S. Gifford III et al.

Serial No. : 10/790,540 Art Unit: 3731

Filed : March 1, 2004 Examiner: D.O. Reip

For : Devices and Methods for Performing a Vascular  
Anastomosis

DEC 21 2005

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being faxed to the  
United States Patent & Trademark Office at 571-273-8300 on December 21, 2005

/Brian S. Tomko/

Brian S. Tomko, Reg. No. 41,349  
(Name of Registered Representative)

Honorable Commissioner of Patents  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

12/22/2005 CCHAU1 00000033 100750 10790540

02 FC:1806 180.00 DA

In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with  the first or  second After Final Submission, therefore:

- Statement in Accordance with §1.97(e)  
(attached); or
- Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- Statement in Accordance with §1.97(e)  
(attached); or
- Please charge Deposit Account No. 10-0750/METO256/BST  
the fee of \$180.00 as set forth in §1.17(p).

In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of

either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

- Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
- Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:
  - In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
  - Copies of references listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior application Serial No. 10/339,434, filed January 9, 2003.
  - If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.
- There are no listed references which are not in the English language.
  - The relevance of those listed references which are not in the English language is as follows:
    - Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/HRT0256C2/BST. This form is submitted in triplicate.

Respectfully submitted,

/Brian S. Tomko/

Brian S. Tomko  
Reg. No. 41,349  
Attorney for Applicants

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DATED: December 21, 2005

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INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

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Application Number 10/790,540

Filing Date March 1, 2004

First Named Inventor H. Gifford III

Group Art Unit 3731

Examiner Name D.O. Reip

Attorney Docket Number HRT0256C2

Sheet 1 of 8

## U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code <sup>2</sup> (if known)			
		1,251,258		Magill	12/1917	
		1,918,890		Bacon	7/1993	
		2,434,030		Yeomans	1/1948	
		2,453,056		Zack	11/1948	
		2,638,801		Sugarbaker	5/1953	
		2,707,783		Sullivan	5/1955	
		3,040,748		Klein, et al.	6/1962	
		3,080,564		Strelkopolov et al.	3/1963	
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		3,494,533		Green, et al.	2/1970	
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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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<b>Application Number</b>	10/790,540
<b>Filing Date</b>	March 1, 2004
<b>First Named Inventor</b>	H. Gifford III
<b>Group Art Unit</b>	3731
<b>Examiner Name</b>	D.O. Reip
<b>Attorney Docket Number</b>	HRT0256C2

Sheet 2 of 8		U.S. PATENT DOCUMENTS	
Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document	Name of Patentee or Applicant of Cited Document
		Kind Code <sup>2</sup> Number	(if known)
		1,251,288	Magill
		4,368,736	Kaster
		4,505,414	Flipi
		4,523,592	Daniel
		4,553,542	Schenck, et al.
		4,573,468	Conte, et al.
		4,576,167	Noiles
		4,586,503	Kirsch, et al.
		4,593,893	Schenck
		4,603,693	Conte, et al.
		4,607,837	Berggren, et al.
		4,624,255	Schenck, et al.
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		4,657,018	Walsh, et al.
		4,669,906	Jervis
		4,703,887	Clanton, et al.
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		5,271,543	Grant, et al.
		5,292,053	Bilotti, et al.
		5,324,447	Lam, et al.
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<b>Application Number</b>	10/790,540
<b>Filing Date</b>	March 1, 2004
<b>First Named Inventor</b>	H. Gifford III
<b>Group Art Unit</b>	3731
<b>Examiner Name</b>	D.O. Reip
<b>Attorney Docket Number</b>	HRT0256C2

Sheet 3 of 8

		<b>U.S. PATENT DOCUMENTS</b>		
<b>Examiner Initials</b>	<b>Cite No.<sup>1</sup></b>	<b>U.S. Patent Document</b>	<b>Name of Patentee or Applicant of Cited Document</b>	
		<b>Kind Code<sup>2</sup></b>		<b>Date of Publication of Cited Document mm-dd-yyyy</b>
		5,948,259	Blanco, et al.	9/1994
		1,251,258	Magill	12/1917
		5,368,462	Kaster, et al.	11/1994
		5,478,354	Tovey, et al.	12/1995
		5,522,834	Fonger, et al.	6/1996
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		5,554,182	DeLange	9/1996
		1,756,870	Treat	4/30
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		4,140,126	Choudhury	2/20/79
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		4,233,881	Schomacher	11/18/80
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		4,700,703	Reenick et al.	10/87
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		5,064,435	Porter	11/12/91
		5,158,538	Tzakis	2/23/93
		5,250,058	Miller et al.	10/5/93
		5,330,503	Yoon	7/94
		5,385,030	Kuramoto et al.	3/95
		5,403,333	Kaster et al.	4/95
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		5,620,452	Yoon	4/97
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Substitute for form 1449A/PTO**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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<i>Application Number</i>	10/790,640
<i>Filing Date</i>	March 1, 2004
<i>First Named Inventor</i>	H. Gifford III
<i>Group Art Unit</i>	3731
<i>Examiner Name</i>	D.O. Reip
<i>Attorney Docket Number</i>	HRT0256C2

Sheet 4 of 8

		U.S. PATENT DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code <sup>2</sup> (if known)		
		5,709,335		Heck	1/98
		1,251,258		Magill	12/1917
		5,720,776		Chuter et al.	2/24/98
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		5,248,443		MaI	09-21-1993
		5,474,557		MaI	12-12-1995
		5,478,354		Tovey et al.	12-26-1995
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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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<b>Application Number</b>	10/790,540
<b>Filing Date</b>	March 1, 2004
<b>First Named Inventor</b>	H. Gifford III
<b>Group Art Unit</b>	3731
<b>Examiner Name</b>	D.O. Reip
<b>Attorney Docket Number</b>	HRT0256C2

Sheet 5 of 7

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Cita No. <sup>1</sup>	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>6</sup>
		Office <sup>2</sup>	Number <sup>3</sup>	KindCode <sup>5</sup>			
		EP	0137655		4/1985		
		GB	2018418		5/1985		
		NL	7711347		4/1979		
		SU	895765		2/1983		
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		GB	935,450		Leonid I. Kukushkin	9/19/59	
		GB	2038692	A1	Noiles	7/80	
		EP	0 384 647	A1	Barak	29/08/80	
		EP	0419 660	A1	Kanashin & Lipatov	3/4/91	
		EP	0 539 237	A1	Cook, Inc.	28/4/93	
		EP	0 637 454	A1	Endovascular Technologies, Inc.	2/8/95	
		EP	0 712 614	A1	Advanced Cardiovascular Systems, Inc.	5/22/98	
		FR	1516083		H. Pfeu-Wentz	12/2/68	
		WO	89/08433	A1	Lazarus, Harrison M.	9/21/89	
		WO	96/14808	A1	Advanced Cardiovascular Systems, Inc.	5/23/96	

Examiner Signature	Date Considered
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**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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<i>Application Number</i>	10/790,540
<i>Filing Date</i>	March 1, 2004
<i>First Named Inventor</i>	H. Gifford III
<i>Group Art Unit</i>	3731
<i>Examiner Name</i>	D.O. Reip
<i>Attorney Docket Number</i>	HRT0256C2

Sheet 6 of 8

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS		
Examiner's Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published
		ANDROSOV, "New Method of Surgical Treatment of Blood Vessel Lesions," Arch. Surg. 1958;73:262-265.
		BERGGREN et al., "Clinical Experience with UNILINK 3M Precise Microvascular Anastomotic Device," Scand J Plast Reconstr Hand Surg. 1993;27:38-39.
		COOPER et al., "Development of the Surgical Stapler with Emphasis on Vascular Anastomosis," NY Acad. Sci. 1963;25:365-377.
		GENTILI et al., "A Technique for Rapid Non-suture Vascular Anastomosis," Can J Neuro Sci. 1987;14(1):92-95.
		GOETZ et al., "Internal Mammary-coronary Artery Anastomosis: A Nonsuture Method Employing Tantalum Rings," J Thorac Card Surg. 1981;41(3):378-386.
		GOTTLOB et al., "Anastomoses of Small Arteries and Veins by Means of Bushings and Adhesive," J Card Surg, 1968;9:337-341.
		GUYTON et al., "A Mechanical Device for Sutureless Aorta-Saphenous Vein Anastomosis," Ann Thorac Surg, 1979;28:342-345.
		HOLT et al., "A New Method for Microvascular Anastomosis: Report of Experimental and Clinical Research," The American Surgeon. 1992;58(12):722-727.
		HOLT et al., "A New Technique for End-to-end Anastomosis of Small Arteries," Surg Forum. 1960;11:242.
		INOKUCHI, "A New Type of Vessel-suturing Apparatus," AMA Arch Surg. 1958;77:954-957.
		INOKUCHI, "Stapling Device for End-to-side Anastomosis of Blood Vessels," Arch Surg. 1961;82:27-31.
		KIRSCH et al., "A New Method for Microvascular Anastomosis: Report of Experimental and Clinical Research," American Surgeon, 1982;58:722-727.
		KIRSCH et al., "A New Technique for End-to-end Anastomosis of Small Arteries," Surgical Forum. 1960;11:242-243.
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		MILLER, "The Russian Stapling Device," Acad Sci. 1963;25:378-381.
		NAKAYAMA et al., "A Simple New Apparatus for Small Vessel Anastomosis (free autograft of the sigmoid included)," Surgery. 1962;52(6):918-931.
		NARTER et al., "An Experimental Method for Nonsuture Anastomosis of the Aorta," Surg Gyn & Obs. 1964;632-631.
		OLEARCHYK, "Vasili I. Kolesov—A Pioneer of Coronary Revascularization by Internal Mammary-coronary Artery Grafting," J Thorac Surg. 1988;96(1):19-18.
		RAGNARSSON et al., "Arterial End-to-side Anastomosis with the UNILINK System," Ann Plastic Surg, 1989;22(3):405-415.
		RAGNARSSON et al., "Microvenous End-to-side Anastomosis: An experimental Study Comparing the UNILINK System and Sutures," J Reconstruct Microsurg. 1989;5(3):217-224.
		ROHMAN et al., Chapter IX—Cardiovascular Technique, "Double Coronary Artery-Internal Mammary Artery Anastomoses, Tantalum Ring Technique," Surg Forum. 1960;11:263-243.
		VOGELFANGER et al., "Concept of Automation in Vascular Surgery: A Preliminary Report on a Mechanical Instrument for Arterial Anastomosis," Can J Surg. 1958;58:262-265.
		Nazari et al., "Expandable Prosthesis for Sutureless Anastomosis in Thoracic Aorta Prosthetic Substitution", European Journal of Cardiothoracic Surgery, Vol. 10, No. 11, 1996, pp1003-1009
		J. Rosch et al., "Modified Gianturco Expandable Wire Stents in Experimental and Clinical Use", Annals of Radiology, 1998, 31, 2, pp. 100-104

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

• Unique citation designation number.  Applicant is to place a check mark here if English language Translation is attached.

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(00-98) A (SB/05-0031)

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 7 of 8

**U.S. PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Office <sup>2</sup>	Number <sup>3</sup>			
	4,503,569			Dotter	3/12/85	
	4,592,754			Gupte et al.	5/3/86	
	4,817,932			Komberg	10/21/88	
	5,002,663			Pyka et al.	3/26/91	
	5,104,399			Lazarus	4/14/92	
	5,122,156			Granger et al.	1/16/92	
	5,207,695			Trout III	5/4/93	
	5,211,658			Closure	5/18/93	
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	5,254,130			Poncet et al.	10/19/93	
	5,275,822			Lazarus et al.	1/4/94	
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Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>4</sup>
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 Sheet 8 of 8

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<b>Application Number</b>	10/790,540
<b>Filing Date</b>	March 1, 2004
<b>First Named Inventor</b>	H.S.Gifford III
<b>Group Art Unit</b>	3731
<b>Examiner Name</b>	D.O. Reip
<b>Attorney Docket Number</b>	HRT0256C2

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